

OFFICIAL GAZETTE



GOVERNMENT OF GOA

NOTE: — There is one Extraordinary issue to the Official Gazette, Series II No. 8 dated 25-5-95 as follows:

Extraordinary dated 26-5-95 from pages 71 to 72 regarding Notification/Order from Revenue Department and Directorate of Municipal Administration.

GOVERNMENT OF GOA

Department of Personnel

Order

No. 6-3-81 (Vol. VII)

Shri N. P. Gaunekar, Director of Provedoria, is hereby transferred and posted as Director of State Lotteries against the post created vide order No. 17/8/94-Fin(R&C) dated 23-2-1995, with immediate effect.

Shri Gaunekar shall however hold the additional charge of the post of Director of Provedoria until further orders, in addition to his own duties.

The term of deputation of Shri Gaunekar as Director of Provedoria is curtailed with effect from the date of his relief.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Personnel).

Panaji, 23rd March, 1995.

Order

No. 6/3/81-PER (Vol. VIII) Part

Shri V. S. Sawant, Deputy Collector & Sub-Divisional Officer, Quepem is hereby transferred and posted as Secretary, State Election Commission, Panaji with immediate effect. He is directed to join immediately without availing the joining time.

Shri Y. B. Tavde, Deputy Collector (Land Acquisition), South shall hold the additional charge of the post of Deputy Collector & Sub-Divisional Officer, Quepem in addition to his own duties immediately, until further orders.

Shri Sawant may continue to draw his pay against the post of Deputy Collector & Sub-Divisional Officer, Quepem.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Personnel).

Panaji, 29th March, 1995.

Order

No. 6/3/81-PER (Vol. VIII) Part

Read:- Government Order No. 6/3/81-PER (Vol. VIII) Part dated 20-3-1995.

In partial modification of the order read above, Government is pleased to cancel the transfer of Shri Joseph Carvalho as Secretary, State Election Commission and post him as Director of Administration, Electricity Department, Panaji, with immediate effect.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Personnel).

Panaji, 29th March, 1995.

Order

No. 22/1/94-PER/Part-I

Shri D. A. Prabhudessai, I.P.S. Superintendent of Police (South) shall look after the duties of the post of Inspector General of Police, Goa in addition to his own duties until further orders.

2. He shall also exercise all the financial powers as Head of Department as laid down in Goa Delegation of Financial Power Rules, 1994.

By order and in the name of the Governor of Goa.

B. N. Bhat, Under Secretary (Personnel).

Panaji, 31st March, 1995.

Education Department

Order

No. 8/39/87-EDN (Part file)/108

Sanction of the Government is hereby conveyed for the re-constitution of the General Body and Governing Body of the Sports Authority of Goa comprising of the following members:—

GENERAL BODY:

1. Hon'ble Chief Minister — President (Ex-Officio).
2. Hon'ble Minister in charge of Sports & Youth Affairs — Vice President (Ex-Officio).
3. Shri Aleixo Sequeira, M. L. A. — Member.
4. Shri Parshuram Kotkar, M.L.A. — Member.
5. Secretary in charge of Sports and Youth Affairs — Member.
6. Secretary in charge of Finance — Member.
7. Director of Education — Member.
8. Executive Director of Sports Authority of Goa — Member.
9. Director of Accounts — Member.
10. Liaison Officer NS, NIS Patiala — Member.
11. Director of Sports & Youth Affairs — Member.

12. (i) Shri P. M. Khandeparkar — Member.
 (ii) Shri Dilip R. Salgaonkar — Member.
 (iii) Shri Vinod Parkot — Member.
 (iv) Shri Jaisingh Maganlal Member.
 (v) Shri Shivanand V. Salgaonkar — Member.
 (vi) Shri Agnelo Alcacas — Member.
 (vii) Shri Henry Brito — Member.
 (viii) President / Secretaries of the following Sports Association
 (a) Goa Football Association (Men) — Member.
 (b) Goa Body Building Association — Member.
 (c) Goa Basket Ball Association — Member.
 (d) Goa Swimming Association — Member.
 (e) Goa Athletic Association — Member.
 (f) Goa Wrestling Association — Member.
 (g) Goa Cricket Association — Member.
 (h) Goa Chess Association — Member.
 (i) Goa Hockey Association (Women) — Member.
 (j) Goa Handball Association — Member.
 (k) Goa Boxing Association — Member.
 (l) Goa Judo Association — Member.
 (m) Goa Kabaddi Association — Member.
 (n) Goa Kho-Kho Association — Member.
 (o) Goa Badminton Association — Member.
 (p) Goa Table Tennis Association — Member.
 (q) Goa Volley Ball Association — Member.
 (r) Goa Sports Medicine Association — Member.
 (s) Goa Secondary School Sports Association — Member.
 (t) Goa Higher Secondary School Sports Association — Member.
 (u) Goa University Sports Organisation Committee — Member.
13. Secretary, Sports Authority of Goa (to be brought on deputation from Directorate of Sports & Youth Affairs) — Secretary

GOVERNING BODY

1. Hon'ble Minister in charge of Sports & Youth Affairs and Vice President of Sports Authority of Goa. — Chairman
 2. Shri Aleixo Sequeiro, M. L. A. — Member
 3. Shri Parshuram Kotkar, M. L. A. — Member
 4. Secretary (Sports). — Member
 5. Secretary (Finance). — Member
6. President / Secretaries of the following Sports Association:
 (i) Goa Football Association — Member
 (ii) Goa Cricket Association — Member
 (iii) Goa Swimming Association — Member
 (iv) Goa Olympic Association — Member
 (v) Goa Badminton Association — Member
 (vi) Goa Yatching Association — Member.
7. Two Experts / Promoters in the field of Sports:
 (i) Shri Shivanand Salgaonkar — Member
 (ii) Shri Vinod Parkot — Member
8. Shri Henry Brito (Outstanding Sportsman) — Member
9. Treasurer to be elected in the first meeting of General Body of the nominated members — Member
10. Director of Sports and Youth Affairs — Member (Ex-Officio)
11. Executive Director of Sports Authority of Goa — Member (Ex-Officio)
12. Secretary, Sports Authority of Goa — Member Secretary

The tenure of both the Committees will be for a period of three years from the date of the order. The Non-Official Members will be entitled to draw their TA/DA for attending the meeting as a Grade-I Officer as and when they attend the same.

By order and in the name of the Governor of Goa.

G. J. Prabhudessai, Under Secretary (Education).

Panaji, 17th May, 1995.

Revenue Department

Notification

No. 22/52/94-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule appended hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Improvement of road from Aframentowado to Nalkwado to Verla Canca.

Now, therefore, the Government hereby notifies, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act"), that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Additional Deputy Collector, Mapusa, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Additional Deputy Collector, Mapusa-Goa.
3. The Executive Engineer, Division XIII, PWD, Mapusa.
4. The Director of Settlement and Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Additional Deputy Collector, Mapusa, for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Bardez		Village: Verla	
Survey No./ Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.	
1	2	3	
57/15 Part	O: Victor Marian Pereira.	165	
58/5 "	O: Ronald Fernandes.	220	
8 "	O: Paskin Josefine D'Souza.	75	
18 "	O: Comunidade.	1325	
72/3 "	O: Maria Carmelina A. Costa.	135	
4 "	O: Comunidade.	650	
73/1 "	O: Norma Francisco Freitas, Cocelin Freitas.	50	
4 "	O: Ballo Braganza. Anjela Braganza. Baptista D'Souza.	120	
5 "	O: Maria Margarid D'Souza.	100	
6 "	O: Tucaram Shankar Shirodkar.	75	
19 "	O: Bastas D'Souza.	110	

1	2	3
20 part	O: Eustaca D'Souza.	40
21 "	O: Cruxiea D'Souza.	75
25 "	O: Eustac D'Souza.	75
26 "	O: Shankar Rama Deuskar.	85
28 "	O: Eustac D'Souza.	50
29 "	O: Praciosa D'Souza.	50
30 "	O: Eustac D'Souza.	60
78/1 "	O: Comunidade.	300
2 "	O: Leonar D'Cruz.	85
74/40 "	O: Deonilda Oliveira.	100

Boundaries:

North: Road, S. No. 57/15, 58/5, 18, S. No. 63, 64, 72/3, 4, S. No. 79/2.

South: Village Parra, S. No. 37/2, Road S. No. 58/18, S. No. 63 & 64, 53/22, 29, Road, 72, 73/1, 4, 5, 6, 11, S. No. 74/37, 38 & 39.

East: S. No. 57/13, 58/18, 55/19, 30, S. No. 63, 52/1 & 63, 72/5, 74/40 and 78/1 & 2.

West: Road, S. No. 58/8, 18, S. No. 63, 72/3, 4 and 73/19, 20, 21, 25, 26, 28, 29 & 30.

Total 3945

By order and in the name of the Governor of Goa.

E. A. Cardozo, Under Secretary (Revenue).

Panaji, 27th April, 1995.

Notification

No. 22/42/95-RD

Whereas it appears to the Government of Goa (hereinafter referred to as "the Government") that the land specified in the Schedule appended hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Improvement of water supply system to Honda, Pissurlem in Satari.

Now, therefore, the Government hereby notifies under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (Central Act 1 of 1894) (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contract for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvements made thereon without the sanction of the Collector appointed under paragraph 4 below, after the date of the publication of this Notification, will, under clause (seventh) of section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under section 6 of the said Act will be published in the Official Gazette and in two daily newspapers and public notice thereof shall be given in due course. If the acquisition is abandoned wholly or in part, the fact will also be notified in the same manner.

4. The Government further appoints, under clause (c) of section 3 of the said Act, the Land Acquisition Officer, PWD (Cell), Altinho, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government also authorises, under sub-section (2) of section 4 of the said Act, the following officers to do the acts specified therein in respect of the said land.

1. The Collector, North Goa District, Panaji.
2. The Land Acquisition Officer, PWD (Cell), Altinho, Panaji.
3. The Executive Engineer, Division XVII (PHE-North), P.W.D., Alto Porvorim, Bardez-Goa.
4. The Director of Settlement & Land Records, Panaji-Goa.

6. A rough plan of the said land is available for inspection in the Office of the Land Acquisition Officer, PWD (Cell), Altinho, Panaji, for a period of 30 days from the date of publication of this Notification in Official Gazette.

SCHEDULE

(Description of the said land)

Taluka: Bicholim		Village: Maulinguem South
Survey No./ Sub. Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3
37/1 part	O: Waman Gopal Bhat Naik. Dattanand Gopal Bhat Naik. Purushottam Bhat Naik.	159
Boundaries:		
North: S. No. 37.		
South: S. No. 37.		
East: Existing road.		
West: Village boundary of Sanquelim.		
Total		159

By order and in the name of the Governor of Goa.

R. T. Khorjuvenkar, Under Secretary (Revenue).

Panaji, 26th May, 1995.

Department of Labour

Order

No. 28/14/90-LAB

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Governor of Goa.

V. G. Manerkar, Under Secretary (Industries and Labour).

Panaji, 16th December, 1991.

IN THE INDUSTRIAL TRIBUNAL, GOVERNMENT OF GOA AT PANAJI

(Before Shri M. A. Dhavale, Hon'ble Presiding Officer).

Ref. No. IT/16/90

Shri P. K. Vaidhya

— Workman/Party I

V/s

M/s Arlem Electronics

— Employer/Party II

Workman represented by Adv. R. V. Gaitonde.

Employer represented by Adv. M. S. Bandodkar.

Panaji, dated 23-11-1991.

A W A R D

In exercise of the powers conferred by clause (d) of Sub-section (1) of Sec. 10 of the Industrial Disputes Act, 1947 the Government of Goa by its order No. 28/14/90-LAB dated 10th April, 1990 has referred the following issues for adjudication by this Tribunal:

"(1) Whether Shri P. K. Vaidhya, Assistant Accountant of M/s Arlem Electronics, Bethora, Ponda-Goa, is a workman under section 2 (s) of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) ?

(2) If so, whether the action of the management of M/s Arlem Electronics, Bethora, Ponda-Goa, in terminating the services of Shri P. K. Vaidhya, Assistant Accountant, with effect from 3-6-89 is legal and justified.

(3) If the answer to (2) above is negative, to what relief the workman is entitled ?"

2. On receipt of this reference a case at IT No. 16/90 was registered and notices were sent to both the parties in pursuance to which they appeared and submitted their pleadings. However, even before filing a statement of claim, Party I-Shri P. K. Vaidhya submitted an application (Exb. 2) stating therein that a mistake has been crept in the order of reference cited above and hence the present reference is not maintainable. He also stuck up to his assertions and finally when the case came up for hearing written arguments was submitted on the workman's behalf by Shri Gaitonde which is at Exb. 7, in which it has been again reiterated that the present reference is not maintainable in view of a patent mistake appearing in the order of reference. Mr. M. S. Bhandodkar, the learned Advocate who is representing M/s Arlem Breweries Ltd., submitted that he agreed with the submissions made by Shri Gaitonde in his written arguments and hence the present reference deserves to be rejected.

3. Thus, in order to consider the submissions made on behalf of Party I, I think it necessary to state in brief some of the facts which have given rise to the above referred state of affairs.

4. It has been submitted that Party I-Shri P. K. Vaidhya (hereinafter called as the 'workman') joined the organisation of M/s Mainland Docks Ltd. on 10-4-76 at the head office at Chowgule house, Mormugoa Harbour. The workman was subsequently promoted as Jr. Officer in Grade 'A' w.e.f. 1-7-79. The services of the workman were thereafter transferred to M/s Chowgule and Company Pvt. Ltd., and was promoted as Assistant Accountant, Grade 'B' from 12-6-84. The services of the workman were then transferred to M/s Arlem Breweries Ltd. at its Division M/s Arlem Electronics, Bethora, Ponda Goa. However, all of a sudden the workman's services were terminated by M/s Arlem Breweries Ltd., under a letter No. Adm/TL/35 dated 3-6-89. Thereafter the workman took up the matter with the Assistant Labour Commissioner, Panaji, for settlement. Before the Labour Commissioner, the management of M/s Arlem Breweries Ltd. appeared and raised several contentions. After considering the parties stand before him the Asst. Labour Commissioner found that there was no settlement and ultimately he sent a failure report on 10th Feb., 1990 in pursuance of which the Government was pleased to make the above referred reference.

5. Now, it has been vehemently submitted by Shri Gaitonde for the workman that the workman's services were terminated by M/s Arlem Breweries Ltd., while in the order of reference issue No. 2 has been framed on the mistaken assumption that the workman's services were terminated by M/s Arlem Electronics, Bethora, Ponda, Goa, which is not a correct state of affairs. It is the consistent say of the workman that his services were terminated by M/s Arlem Breweries Ltd. To support his submission on this behalf a reference can usefully be made to the letter of termination filed along with the statement of claim at Exb. W-2. Now significantly

the notice of this proceedings was sent to M/s Arlem Electronics, Bethora, Ponda, Goa, on 18th May, 1990. It was received by some officer of M/s Arlem Electronics on 23-5-90. Thereafter Mr. M. S. Bhandodkar appeared and submitted his written statement wherein also there is a clear reference that workman's services were terminated by M/s Arlem Breweries Ltd., and not by M/s Arlem Electronics. Now, it is difficult to understand as to how the management of M/s Arlem Breweries Ltd., appeared in this proceedings; when in fact, the notice was addressed to M/s Arlem Electronics. Be it may as it is the fact remains that in as much as the workman's services were terminated by M/s Arlem Breweries Ltd., that company or concern should have been the proper party against whom the workman's grievance could have been considered. However, as I have stated earlier through mistakes an issue No. 2 has been framed assuming therein that the workman's services were terminated by M/s Arlem Electronics. At the cost of repetition, I would say that the present workman had no concern with M/s Arlem Electronics and he cannot have any relief against the said company. His grievance is against M/s Breweries Ltd. However, since a mistake has been committed in drafting issue No. 2, it has been submitted by Shri Gaitonde that the present reference will have to be rejected as being untenable. He has also submitted that on receipt of this reference, his client i.e. workman had moved the Government by his letter dated 18th April, 1990 addressed to the Secretary, Department of Labour, Government of Goa, Secretariat, Panaji. Under this letter he stated the above referred facts and submitted that the order of reference requires modification by deleting the name of the employer-M/s Arlem Electronics and by substituting the name of his employer as M/s Arlem Breweries Ltd. However, there has been no response to this letter of the workman and hence it has been submitted by Shri Gaitonde that unless a patent mistake appearing in the order of reference is rectified, this reference as it stands deserves to be rejected. I find that there is substantial force in this submission of Shri Gaitonde for which he has relied upon certain rulings on this point in his written arguments. As stated earlier Shri M. S. Bhandodkar who is appearing on behalf of M/s Arlem Breweries Ltd. has submitted that he agreed with the prayer made in para 11 of the written arguments wherein the workman has claimed that the present reference is bad in law and requires to be quashed.

6. In view of this state affairs, I pass the following order.

Order

The reference is hereby rejected.

No. order as to costs. Inform the Government accordingly.

Sd/-

(M. A. Dhavale)
Presiding Officer
Industrial Tribunal)

Corrigendum

No. 2/1-2/93-HSG

Read: Government Order No. 2/1-2/93-HSG dated 6-3-1995.

The name of Shri G. G. Albuquerque appearing at Sr. No. 2 of the above referred Government order may be read as "Shri J. J. F. Albuquerque".

By order and in the name of the Governor of Goa.

F. O. D'Costa, Under Secretary (Housing).

Panaji, 15th March, 1995.